IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 19820 of 2003

Between:
Bandamaisamma Nagar Toddy Tappers Cooperative Society rep. by its President, Lower Tank Bund, Hyderabad,
Hyderabad District.

..... PETITIONER

AND

1 The Govt. of A.P., Prohibition & Excise Department, rep. by its Secretary, Secretariat, Hyderabad.
2 The Prohibition & Excise Superintendent, Narayanaguda, Hyderabad, Hyderabad District.
3 N.Pochaiah Goud s/o. Venka Goud
r/o. Bandamaisamma Nagar Musheerabad Mandal,
Hyderabad, (R3 is impleaded as per court order dt.29-10-03 in WPMP.NO.26580/03)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus declaring the proceedings issued by the 2nd respondent in CR B1/D1/5274/02/P&ESH, dated 6-9-2003 as illegal, arbitrary and contrary to the provisions of A.P. Excise & Prohibition Act and Rules made therein apart from violative of fundamental rights guaranteed under the Constitution of India besides declaring the orders of the Supreme Court in SLP C No.6009-6010/2003, dated 7-7-2003 has no application to the case of the petitioner

For the Petitioner: MR.A.SATYA PRASAD, Advocate

For the Respondent No.1 and 2: G.P for Excise

For the Respondent No.3: Mr.T.Amernath Goud,Advocate

The Court made the following Order:

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 5279 of 2003

Between:
Mr.N.Pochaiah Goud,s/o Venka Goud

Aged about 50 years,Occ: Tapper,

R/o Bandamaisamma Nagar,Musheerabad Mandal

Hyderabad District.

..... PETITIONER

AND
1.Proh. & Excise Superintendent cum
Functional Registrar TTCS,Hyderabad
Hyderabad District at Narayanguda,
Hyderabad.
2.D.Ramesh Goud, s/o Kista Goud,
aged about 42 years,Occ: Tapper,
R/o Bandamaisammanagar,
Musheerabad Mandal, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction, declaring (i) Cr No.D1/5274/2002/ESH dated 18-03-2003 and licence No.103, dated

20-03-2003 issued by the first respondent as illegal, arbitrary,contrary to law and without jurisdiction and is liable to be set aside (ii) the action of the first respondent in not renewing the licence of toddy Tappers Cooperative Society Bandamaisammanagar in favour of Mr.N.Pochaah goud,petitioner w.e.f. 1-10-2002 as illegal,arbitrary,unjust and against principles of natural justice and further suspend the operation of Cr.No.D1/5274/2002/ESH dated 18-03-2003 of the respondent No.1 consequentially permitting Mr.N.Pochaiah goud as President/licencee of Toddy tappers Cooperative Society Bandamaisammanagar.

For the Petitioner:MR.T.AMARNATH GOUD, Advocate

For the Respondent No.1: G.P. for Excise

For the Respondent No.2: MR.A.SATYA PRASAD, Advocate

The Court made the following:

Common Order:

W.P.No19820 of 2003 has been filed questioning the proceedings issued by the 2nd respondent in CR B1/D1/5274/02/P&ESH, dated 6-9-2003 wherein the petitioner was directed to close down the shop with immediate effect.

Questioning the proceedings dated 18-03-2003, considering the representation of the petitioner in W.P.No.19820 of 2003 for renewal of licence of Toddy Shop, Bandamaisamma Nagar, W.P.No.5279 of 2003 has been filed. Since the licence granted to the petitioner in W.P No.19820 of 2003 has been expired and it was not renewed subsequently, the cause in both the writ petitions does not survive. Further it is informed that in pursuance to the order passed by the Supreme Court, liberty is granted to the Excise Department to take action against the managing committee members of the society who are indulged in adultering the toddy.

In view of the same, no cause survives in both the writ petitions and they are accordingly dismissed. No costs.

24-6-2004

rkk

To

1.The Secretary, Prohibition & Excise Department,Govt of A.P.Hyderabad.
2.The Prohibition & Excise Superintendent, Narayanaguda,Hyderabad,Hyderabad District.
3.Two CCs to GP for Excise, High Court Buildings,Hyderabad.
4.Two CD copies.